

\$~29

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 189/2017 & C.M. 810/2017

NAGENDRA KUMAR Petitioner

Through: Mr. Chetan Wahi & Mr. Mohit
Kumar, Advocates

Versus

UNION OF INDIA AND ANR. Respondents

Through: Mr. Jagjit Singh, Mr. Ashok Singh
& Mr. Preet Singh, Advocates

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **15.05.2017**

In this writ petition, quashing of impugned order of November, 2015 (*Annexure P-1*) is sought with direction to refund the earnest money deposited for the tender concerning F-2 compartment in train No. 22488, Ex. ANVT to RDP.

Learned counsel for petitioner submits that the fate of this petition is covered by order of 16th December, 2016 in W.P.(C) 11364/2015 *Manglam Express Cargo Pvt. Ltd. Vs. Union of India & Anr.* by a Coordinate Bench of this Court.

Aforesaid position is not disputed by counsel opposite.

Since the time prescribed in the offer letters had lapsed prior to their acceptance, the offers stood revoked under Section 6(2) of *The Indian Contract Act, 1872* and consequentially, the impugned order are

liable to be set aside.

In view of the aforesaid, this petition and application are allowed while setting aside the impugned order (*Annexure P-1*) with direction to respondents to return the earnest money deposited by petitioner within six weeks from today.

Dasti.

(SUNIL GAUR)
JUDGE

MAY 15, 2017

r